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WALLA WALLA CITY COUNCIL

Work Session Agenda

November 29, 2021 - 4:00 p.m.

Limited seating will be available for public attendance. Attendees must wear face masks or face shields to attend. Live video and audio stream of the meeting is available on the City's website at <https://www.wallawallawa.gov/government/city-council>. Members of the public also may attend the Work Session by using this [Zoom meeting link](#) or by calling 253-215-8782 and entering meeting ID 827 0878 1017#.

Mission: Dedicated to enhancing the quality of life in Walla Walla.

1. CALL TO ORDER

2. ACTIVE AGENDA

- A. **15min** 1st Avenue Plaza Conceptual Design Presentation: Elizabeth Chamberlain, Deputy City Manager
- B. **30min** Review proposed amendments to the Walla Walla Municipal Code Titles 19 (Subdivisions) and 20 (Zoning).
- C. **30min** Revisions to Municipal Code 13.03, 13.04, and 13.30 relating to water and wastewater utilities.

3. OTHER BUSINESS

4. ADJOURNMENT

Values: Service, Integrity, Collaboration, Equity, Leadership, and Community

The City of Walla Walla complies with Title VI, ADA, and other applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, religion, veteran status, sexual orientation, gender identity, or sex.



ar-4438

15min

City Council - Work Session

Meeting Date: 11/29/2021

Item Title: 1st Avenue Plaza Conceptual Design Presentation

Submitted For: Elizabeth Chamberlain, Support Services

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

Presentation of the conceptual design for 1st Avenue Plaza. City Council awarded the design contract on September 29, 2021 to PBS Engineering & Environmental, Inc.

Information

HISTORY:

1st Avenue Plaza was created Summer of 2020 in response to the COVID-19 pandemic. The City took the opportunity to close a street and convert the space to a temporary public plaza. Throughout the changing restrictions to combat the pandemic, 1st Avenue Plaza became a location where the community could gather safely outside. The overwhelming support of making the plaza permanent led the City to move forward with this project.

1st Avenue Plaza will become a permanent public gathering space will include:

- New pedestrian friendly surfacing within the plaza area located between Main and the alley south of Main; possible utility connections to support community events taking place in the plaza (electric/gas); repaving/resurfacing the southern half of the block; the incorporation/addition of cost conscious, movable landscaping to provide shade during summer days, but allows for various uses/configurations of the plaza; reconfiguration of on-street parking on First Avenue south of the plaza area (from the alley to Alder Street) to maximize available parking including ADA accessible spaces; and modification of the traffic signal at Main Street and First Avenue to improve accessibility for the visually impaired (across Main Street). Design began in September 2021 and will be completed in early 2022. Construction is anticipated to begin Spring 2022 and with a goal of completion mid-Summer 2022.

POLICY ISSUES:

Provide consensus on the conceptual design for 1st Avenue Plaza. The conceptual design will be presented at the work session meeting.

PLAN COMPLIANCE:

STRATEGIC PLAN:

Strategic Initiative 4 - Long Term : Encourage Economic development to strengthen the community

Objectives:

1. Attract and support small businesses

COMPREHENSIVE PLAN:

Community Character Goal 4: Downtown is the heart of Walla Walla, making all people feel welcome, accommodating a wide variety of civic and commercial functions, and reflecting the city's history.

Community Character Policy 4.2: Create a public gathering space near the center of Downtown that is inviting to all Walla Walla residents. Such a space can help unify people living in different neighborhoods, increase Downtown activity, and support Downtown businesses.

Transportation Policy 5.7: Promote and implement streetscapes that area aesthetically pleasing, safe, and comfortable to residents, visitors, businesses, and property owners.

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

No file(s) attached.



ar-4408

30min

City Council - Work Session

Meeting Date: 11/29/2021

Item Title: Review proposed amendments to the Walla Walla Municipal Code Titles 19 and 20.

Submitted For: Lisa Wasson-Seilo, Development Services Department

Add'l Contributors:

Project No: ZCA-21-0002

Funding/BARS No.:

Financial Comments:

N/A

Information

HISTORY:

Walla Walla Municipal Code (WWMC) Text Amendments to Titles 19 and 20, implement the Walla Walla Comprehensive Plan 2040 and certain recommendations from the recently adopted (Ord 2021-23) Walla Walla Regional Housing Action Plan, corrects scrivener's errors, and add clarifications. The proposed code amendments would apply City-wide. Amendments to the following Municipal Code Chapters/Sections include:

Chapter 19.30	Subdivision Design
Chapter 19.32	Public Facility Requirements
Chapter 19.40	Required Information
Chapter 20.02	Annexations
Chapter 20.06	Construction and Definitions
Chapter 20.30	Level VI Review
Chapter 20.34	Development Agreements
Chapter 20.48	Amendments
Chapter 20.50	Land Use Zones
Chapter 20.100	Tables of Permitted Land Uses
Chapter 20.118	Residential Accessory Use Standards
Chapter 20.134	Environmental Performance
Chapter 20.172	Wineries, Breweries, and Distilleries
Chapter 20.212	Nonconforming Situations

February 2021 - Internal staff discussions of the code amendments planned for 2021

June 23, 2021 - City Council passed Ordinance 2021- 19, in interim ordinance adopting amendments to the chapter 20.172 related to distilleries

September 13, 2021 - WW Planning Commission reviewed preliminary planned amendments and provided feedback

October 13, 2021 - 60 Day Notice of Intent to adopt was submitted to the Washington State Department of Commerce

October 13, 2021 - SEPA Determination of Non-Significance issued, posted on City website and circulated to SEPA contact list
(Revised SEPA Determination of Non-Significance for publication in the WW Union Bulletin, November 15, 2021)
October 14, 2021 - Department of Commerce acknowledgement letter received
October 14, 2021 - Notice of Application/ Public Hearing was posted to the City website
October 17, 2021 - Notice of Application/ Public Hearing was published in the WW Union Bulletin
October 29, 2021 - Comment period deadline - no comments received
November 1, 2021 - WW Planning Commission public hearing

POLICY ISSUES:

Ensure that the Municipal Code is easy to use for the public and staff, that it is in compliance with state laws and regulations, and that it continues to meet the needs of stakeholders and residents without creating confusion or redundancy.

PLAN COMPLIANCE:

STRATEGIC PLAN:

- 1.2 Continue process improvement skill development and identify opportunities for efficiency and effectiveness
- 4.1 Attract and support small businesses.

COMPREHENSIVE PLAN:

Community Character Policy 1.1 – Use the land use code and design guidelines to ensure that new development reinforces and is guided by the character of existing land use patterns and the architectural attributes of the applicable character areas.

Community Character Policy 4.1 - Carefully protect and enhance Downtown’s visual character, the most important single aspect of the city’s identity, through historic preservation activities, complementary infill development, and sensitively designed public works.

Land Use Policy 1.4 – Review new development proposals to ensure they support the objectives of the Comprehensive Plan such as land use, transportation, community character, historic preservation, and sustainability.

Land Use Policy 4.4 - Ensure that new subdivisions and housing development retains natural qualities including topography, natural features, and native vegetation to minimize impacts to the surrounding ecosystem. Retaining or restoring riparian woody vegetation should be a priority.

Housing Goal 1 - A broad range of housing choices is available to meet the needs of people of diverse socioeconomic status, household type, and age.

Housing Policy 1.1 - Provide an array of housing choices such as apartments, small lot single-family housing, accessory dwelling units, townhomes, manufactured homes, and cottages to meet the needs of people of all incomes throughout their lifespan.

Economic Development Goal 4 - Walla Walla has a supportive environment for entrepreneurial opportunities and startup businesses.

Economic Development Policy 5.1 – Regularly review development regulations, evaluate the impact of regulations, and the needs of local businesses.

Environment and Natural Resources Policy 1.6 - Preserve and protect healthy mature trees in the community to

the greatest extent possible, and promptly plant replacements when they cannot be saved.

Transportation Policy 1.3 - Provide facilities for all modes of transportation.

ALTERNATIVES:

Suggest modifications to the proposed amendments.

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Code Updates - Final Draft

2021 code updates - DRAFT

(Added terms are in ***bold/ italicized***. Removed terms are ~~stricken~~ – all changes are in red font)

Chapter 19.30 SUBDIVISION DESIGN

19.30.060 Private Lane standards and restrictions.

A. Private Lanes. Private lanes ~~shall not be permitted in any development of more than nine lots, shall not connect two public streets, and are limited to providing access to nine dwelling units or less~~ *will only be allowed where, in the City's sole discretion, there is no public interest in traffic circulation and at least one of the following conditions exist:*

- 1. Existing abutting development precludes the construction of a public street, or*
- 2. Topographic, geological or soil conditions make development of a public street undesirable, or*
- 3. Traffic circulation and lot access can be met more logically by private lane than by public streets.*

B. Private Lanes – Permitted. The following minimum standards apply to private lanes not prohibited under subsection A of this section:

1. With exception of multi-family developments, binding site plans, manufactured home parks, and planned unit developments, private lanes shall not be permitted in any development of more than nine lots and are limited to providing access to nine dwelling units or less.

21. The ***easement*** width of a private lane shall be at least twenty-five feet.

32. The length of a private lane shall not exceed six hundred feet ***from the intersection of the public street.***

An improved turnaround shall be provided at the end of a private lane exceeding one hundred fifty feet in length.

4. Private lanes which provide access to five or more lots/dwelling units shall:

a. Provide a sidewalk per city standard plans, adjacent to the entire length of the lane.

b. Provide pedestrian connectivity or access way to each parcel.

5. Private lanes shall not connect two public streets unless:

a. There are unique physical limitations associated with the property that, warrant connection due to existing development, topography, and/or other natural conditions such as wetlands or stream corridors.

b. The City determines that future traffic circulation would not be negatively impacted due to the provision of a private lane.

63. Private lanes shall be paved with materials as defined in Section 12.01.050, shall have a **minimum** pavement width of twenty feet and constructed in accordance with city standard plans.

74. Stormwater facilities shall be provided as required by Chapter 13.16.

85. Private lanes shall be named in accordance with Section 19.30.030(J).

96. ~~A Utility easements shall be dedicated to the city for the total width of the lane, unless easements are provided in other locations for residences being served in accordance with Section 19.30.080, but not less than the entire width of the private lane.~~

107. A recorded binding covenant shall be prepared providing for maintenance of the private lane, sidewalk, stormwater facilities, curb, and gutter.

118. An approved driveway approach from the **public** street to the **private** lane shall be provided.

~~9. Private lanes which provide access to five or more lots/dwelling units shall:~~

~~a. Provide a sidewalk per city standard plans, adjacent to the entire length of the lane.~~

~~b. Provide pedestrian connectivity or access way to each parcel.~~

Chapter 19.32 PUBLIC FACILITY REQUIREMENTS

19.32.020 Street improvements.

A. Streets. All public streets shall be constructed with paving, curbs and gutters, storm drainage system, sidewalks, street lighting and street trees. Private street (lane) improvement requirements are provided in Section 19.30.060.

B. Alleys. Alleys shall be improved to private lane standards described in Section 19.30.060.

C. Sidewalks and Driveways. Sidewalks shall be included in the street improvement plans and shall be installed on both sides of the street after completion of the curb and

gutter improvements. Except as provided in Section 19.18.010(D), sidewalks and driveways shall be constructed when homes are constructed on the lots and shall be completed prior to final inspection and occupancy.

D. Street Lighting System. Streetlights shall be installed at all intersections (street corners), all cul-de-sac turnarounds and all substantial curves of streets (ten degrees or more), and at mid-block locations in order to provide streetlight spacing two hundred fifty to three hundred feet. Street lighting systems shall be approved by the city engineer and shall be in accordance with the city standard plans. The developer shall make the necessary arrangements with the serving electric utility for installation of underground service for the street lighting system. *Alternative streetlight assemblies (street lighting that does not comply with the city standard plans) that were previously installed in developments with approval of the city, shall remain owned and maintained by the developer or their successors. The city will be responsible for the cost of electric power for these alternative streetlight assemblies in an amount equivalent to a city standard lighting system.*

E. Street Trees. Street trees shall be installed in accordance with the arboricultural standards and specifications adopted by the urban forestry advisory commission and administered by the municipal arborist. Street trees shall be installed according to an approved street tree planting plan. *Street tree planting plans shall adhere to the principles of urban forest biodiversity following the 10-20-30 rule. This means that no tree species should represent more than 10%, no tree genus should represent more than 20%, and no tree family should represent more than 30% of the total tree population of the proposed subdivision street improvements.* Except as provided in Section 19.18.010(D), street trees shall be planted at the time new homes are constructed and prior to final inspection and occupancy. The developer shall be responsible for the continued health and vigor of street trees abutting undeveloped lots until such lots are sold.

F. Safety Improvements. Where a need to improve safety is demonstrated by a traffic impact analysis or identified as a need in an adopted transportation plan, the city may require the installation of safety features such as pedestrian crossings with or without median refuge islands, flashing beacons or other signage or signals, traffic circles, curb extensions, reduced street width, speed tables, speed humps, or special paving to slow traffic and improve transportation safety for all modes.

Chapter 19.40 REQUIRED INFORMATION

19.40.020 Information to be shown on plat map.

A. All items in this section shall be shown on the map or plat of a development for both preliminary and final submittals.

1. Scale. All pertinent information shall be shown normally at a scale of one inch to one hundred feet; however, the scale may be increased or decreased to fit standard size sheets of eighteen inches by twenty-four inches. In all cases, the scale shall be a standard drafting scale, being ten, twenty, thirty, forty, fifty or sixty feet to the inch or multiples of ten for any one of these scales.

2. Appropriate identification of the drawing as a short plat, subdivision, preliminary, final, binding site plan and the name of the development. The name shall not duplicate or resemble the name of any other subdivision or short plat in the county unless the subject subdivision is contiguous to an existing subdivision under the same subdivision of the same last name filed.

3. The names and addresses of the owner(s) and surveyor or engineer.

4. The date, north point, and scale of the drawing.

5. A full legal description and location of the entire proposed development property.

6. The locations, widths and names of both improved and unimproved streets and alleys within or adjacent to the proposed development together with all existing easements and other important features such as section lines, section corners, city boundary lines and monuments.

7. The name and location of adjacent subdivisions and the location and layout of existing streets which are adjacent to or across contiguous right-of-way from the proposed development.

8. The location, approximate dimensions, and areas of lots, proposed lot and block numbers.

9. The lot area in square feet identified on each lot on the plat.

10. The location, approximate acreage, and dimensions of areas proposed for public use.

11. The location, approximate acreage, and dimensions of areas proposed for “open space” and/or common ownership.

12. The acreage of the development, acreage of rights-of-way or other dedications, and acreage of critical areas and buffers, *and well locations within 100 feet of project area.*

13. Maximum residential density to be completed in the development.

14. Buildable area envelope for each lot (for residential developments).

15. Proposed housing type/form for each lot (for residential developments).
16. Existing contour lines at two-foot intervals based on NAVD '88 Vertical Datum.
17. The approximate curve radii of any existing public street or road within the proposed development. The approximate location, width, names, and curve radii for all proposed streets.
18. Existing uses of the property and locations of all existing buildings and designating which existing buildings are to remain after completion of the proposed development.
19. The location of areas subject to inundation, overflows from stormwater facilities, and/or within a designated one-hundred-year floodplain, all areas covered by water, and the location, width and direction of flow of all water courses.
20. Locations of existing natural features such as rock outcroppings, which would affect the design of the development.
21. A vicinity map showing the location of the proposed development in relation to the rest of the city.
22. The locations and dimensions of proposed lots and the proposed lot and block numbers. Numbers shall be used to designate each block and lot. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots or parcels shall be in consecutive continuation from a previous plat.
23. Locations and widths of streets and roads to be held for private use and all reservations or restrictions relating to such private roads.
24. Designation of any land the council may require held for public reserve and configuration of projected lots, blocks, streets and utility easements should the reserved land not be acquired.
25. All areas and the proposed uses thereof to be dedicated by the owner.
26. Tract, block and lot boundary lines with dimensions.
27. Street rights-of-way widths with centerline.
28. Radius, length, and central angle of all tangent curves; radius, length, centered angle, long chord distance and bearing of all nontangent curves.

29. Ties to boundary lines and section or 1/4 section corners immediately surrounding the development.

30. The location and type of all permanent monuments within the development including initial point, boundary monuments and lot corners.

31. One of the following forms of horizontal control to supplement the plat's inclusion in the city/county GIS:

a. State plane coordinates on the NAD83/91 Datum for each lot corner and controlling monument (or a minimum of two adjacent controlling monuments) as established by survey with reference to Federal Geodetic Control Committee Guidelines for Third Order Class II Surveys; or

b. A tie showing the bearing or angles and distances to one of the city's control grid monuments. If there is a second control monument that is intervisible to the primary control monument, the bearing or angle between the two control monuments shall be shown. (Basis of bearings should be record bearing between control monuments.)

32. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:

a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the development;

b. Adjoining corners of adjoining subdivisions;

c. Monuments to be established marking all street intersections and the centerlines of all streets at every point of curvature and the point of tangent;

d. Other monuments found or established in making the survey required to be installed by provisions of this title and state law.

33. Designation of proposed portions of subdivisions to be developed in phases, if any, indicating proposed sequence of platting.

34. All flood control features and references to easements or deeds for drainage land.

35. Existing and proposed easements clearly identified and denoted by dashed lines and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the development shall be shown.

36. Identification of any land or improvements to be dedicated or donated for any public purpose or private use in common.

37. The following certificates:

a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;

b. A certificate signed and acknowledged as above, dedicating to the public all land intended for public use;

c. A certificate for execution by the director;

d. A certificate for execution by the city engineer;

e. A certificate of execution by the county auditor;

f. A certificate for execution by the county treasurer;

g. A surveyor's certificate certifying that he is registered as a professional land surveyor in the state of Washington and certifies that the plat is based on an actual survey of the land described and that all monuments have been set and lot corners staked on the ground as shown on the plat.

38. Such additional information pertaining to the subdivision, short plat or development site and the immediate vicinity as may be required by the director for the review of the proposal.

19.40.030 Information to be submitted as supplementary written documents or drawings.

Material in this section does not need to be shown on the plat map.

A. The following supplemental written or drawn information required in this section shall be submitted at the preliminary application stage:

1. The land use zone applicable to the subject property.

2. The locations and sizes of existing public and private sanitary sewers, water mains, and stormwater facilities, culverts, fire hydrants and other utilities within and adjacent to the proposed development.

3. A preliminary public facilities plan for the location and construction of proposed water service facilities and proposed sanitary sewer facilities to serve the development.

4. A stormwater report for medium and large projects (see Section 13.16.030) which includes a site plan, erosion and sediment control plan, and other information as required by the City of Walla Walla Stormwater Design Standard Handbook.

5. Deed restrictions or covenants, if any, in outline form.

6. Such additional information pertaining to the subdivision, short plat or development site and the immediate vicinity as may be required by the director for the review of the proposal.

7. Appropriate architectural and site development plans which shall show the proposed building location, specific landscaping; prominent existing trees, ground treatment, sight-obscuring fences and hedges, off-street parking, vehicular and pedestrian circulation; major exterior elevations of building (binding site plans only).

8. Tree planting plans (see Sections 12.49.110 and 19.32.020(E)).

B. The following supplemental written or drawn information required in this section shall be a condition of final development approval before the recording of plat documents:

1. Plat certificate verifying ownership and encumbrances.

2. An executed surety (developer agreement and bond) when required.

20.02.080 Annexations.

A. Property may be annexed to the city as authorized by Chapter 35A.14 RCW, as amended. Annexation is a Level VI process, initiated as provided in Chapter 35A.14 RCW. Annexation proposals shall be initiated through forms approved by the department.

B. The city will accept annexation petitions ~~twice~~**once** per year. ~~The~~**One** annexation petition submittal time will open January 1st and close January 31st ~~and a second annexation petition submittal time will open September 1st and close September 30th~~ of each calendar year.

C. Annexations are exempt from State Environmental Policy Act (SEPA) review pursuant to RCW 43.21C.222, as amended.

D. Annexation of property shall be consistent with the land use and annexation policies of the Comprehensive Plan's Land Use Element. As soon as practicable upon initiation of annexation proceedings, the department shall determine whether or not the proposed annexation area has been prezoned, and whether or not such prezone designation(s) are consistent with and implement the Comprehensive Plan.

E. Notice of Initiation. The department shall give at least thirty days' advance notice of city council meetings which will consider resolutions calling for election under RCW 35A.14.015, meetings with initiating parties under RCW 35A.14.120 or 35A.14.420, resolutions for initiation of island annexations under RCW 35A.14.295, or resolutions to commence negotiations under RCW 35A.14.460, as those statutes may be amended. The notice shall identify the area proposed for annexation and provide the date and time of the meeting.

1. Initiator Notice. The department shall deliver or mail notice of application to the initiator(s), if any, or the person or entity designated by the applicant to receive notice.

2. Public Notice.

a. The department shall deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015.

b. The department shall deliver or mail notice to the record owner(s) of property, as shown by the records of the Walla Walla County assessor's office, which is included in the area to be annexed or adjacent to the area to be annexed.

3. Agency Notice. The department shall mail notice to the Walla Walla County commission, any fire protection district serving the area to be annexed, any water district serving the area to be annexed, and any holder of any franchise or permit for operation of a public service business which will be cancelled pursuant to RCW 35A.14.900.

F. Notice of Hearing. The city council shall by resolution set public hearing(s) to the extent required by RCW 35A.14.130, 35A.14.295(2), 35A.14.430, and 35A.14.460(3), as those statutes may be amended, and notice of hearing shall be given as required by the applicable statute. Such notice shall include the proposed zoning for the property.

G. Property within the urban growth area which has been prezoned by a proposed zoning regulation pursuant to RCW 35A.14.330 and 35A.14.340, as those statutes may be amended, will automatically be zoned in conformance with the land use designation prescribed for that property by the city council through the prezone process unless the proposed zoning designation is changed as provided herein.

H. Where property is prezoned, and the prezone designation is inconsistent with the Comprehensive Plan, the council, upon consideration of the annexation proposal, may determine zoning requirements as follows:

1. The prezone designation for the property may be changed concurrently with annexation by a proposed zoning regulation pursuant to RCW 35A.14.330 and 35A.14.340, as those statutes may be amended; or

2. The prezone designation will be applied and the zoning designation for the property may be amended through the rezone process after annexation.

I. Where property has not been prezoned, the council upon consideration of the annexation proposal may determine the zoning requirements as follows:

1. The city may adopt a zoning designation for the property pursuant to RCW 35A.63.100 which is consistent with and implements the Comprehensive Plan; or

2. The property shall be deemed to be included in the zoning map as follows:

a. Property zoned by the county as Agriculture Industrial Heavy or Heavy Industrial shall be deemed to be zoned by the city as Heavy Industrial (IH);

b. Property zoned by the county as Agriculture Industrial Light, Light Industrial, or Industrial/Business Park shall be deemed to be zoned by the city as Light Industrial/Commercial (IL/C);

c. Property zoned by the county as Airport Development District shall be deemed to be zoned by the city as Airport Development (AD);

d. Property zoned by the county as Public Reserve shall be deemed to be zoned by the city as Public Reserve (PR);

e. Property zoned by the county as Urban Planned Community shall be deemed to be zoned by the city as Urban Planned Community (UPC);

f. Property zoned by the county as Primary Agriculture, Exclusive Agriculture, General Agriculture, Agricultural Residential, Rural Remote, Rural Agriculture, Rural Flowing, Rural Residential, or Rural Transition shall be deemed to be zoned by the city as Neighborhood Residential; and

g. Property given a zoning designation by the county other than those identified in this subsection shall be deemed to be zoned by the city as Neighborhood Residential.

The deemed zoning designation may be amended through the rezone process after annexation, and the department is directed to process such amendment(s) that may be necessary to make the zoning designation(s) for annexed property consistent with the Comprehensive Plan as soon as practicable following the effective date of the annexation.

20.06.030.A A definitions

“Access” means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

“Accessory dwelling unit” means a habitable living unit that provides the basic requirements of shelter, heating, cooking and sanitation and meets the standards provided in this code.

“Accessory structures (residential) – not for use as a dwelling unit” means an accessory building or structure as defined in this code not used for residential occupancy.

“Adjacent” shall be that having a common boundary or that which would have a common boundary but for the intervention of a public street or alley.

"Affordable housing" shall have the same meaning as defined in RCW 36.70A.030.

“Agricultural building” means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. The structure shall not be used for human habitation; processing, treating or packaging agricultural products, nor shall it be a place used by the public.

“Agricultural related industry” means specifically:

1. “Packaging plants” may include but are not limited to the following activities: washing, sorting, crating and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. Does not include processing activities, or slaughterhouses, animal reduction yards, and tallow works.
2. “Processing plants” may include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughterhouses or rendering plants.
3. “Storage facilities” may include those activities which involve the warehousing of processed and/or packaged agricultural products.

“Agricultural stand” means a structure up to two hundred square feet in area used for the retail sale of agricultural products, excluding livestock, grown on the premises in residential zoned areas; also, in commercial zoned areas subject to the standards of the applicable zone. Agricultural stands are allowed in the front yard setback.

“Agriculture” means the tilling of soil, raising of crops and horticulture.

“Alley” means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

“Amendment” means a change in the Zoning Code. There are three types of zoning related amendments: those that request a reclassification of land allowing a change in the range of permitted uses on a specific piece of property (termed “rezones”); those which

provide zone designations for land to be annexed to the city (termed “prezones”); and those which request a change in the text of this code. (See Chapter 20.48 for amendment procedures.)

“Amusement parks,” “carnival” or “fair” mean a seasonal use operated for profit offering portable facilities and equipment for recreational and entertainment purposes.

“Animal husbandry” means the raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep, their primary source of food, other than during the winter months, is from grazing the pasture where they are kept.

Animal Shelter, Community. “Community animal shelter” means a place where dogs, cats or other stray or homeless animals are sheltered as part of a community animal control and protection program. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal. (See Chapter 20.130.)

“Approving authority” means the director, city manager, planning commission, hearing examiner or city council of the city of Walla Walla as provided in this code.

“Assembly area” means any area used for the gathering or congregation of persons with or without the provision of seating and including any area designed for spectator activity.

“Automobile and trailer sales area” means an open area other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

“Automotive wrecking yard” means a premises used for the storage or sale of used automobile or truck parts, or for dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof. Automobile wrecking yards must be licensed by the Washington State Department of Licensing.

“Avigation easement” means the right to use the air space above grantor’s property in accordance with the rules and regulations regarding takeoff, landing and traffic patterns.

20.06.030.E E Definitions.

“Emergency housing” means temporary indoor accommodations for individuals or families who are experiencing abuse or are homeless or at imminent risk of becoming abused or homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently experiencing abuse or are homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. Emergency shelters include overnight shelters which provide safe and dry conditions which save lives.

“Essential public facilities” are those facilities that are typically difficult to site and necessary to provide essential public services, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020, and include supporting facilities needed for such essential public facilities. It is not necessary that the facilities be publicly owned.

“Extremely low-income household” shall mean the same as defined in RCW 36.70A.030.

20.06.030.L L definitions.

“Lot” means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. (See Figure 20.06-2.) A “lot” in a manufactured/mobile home park refers to a space designated for a manufactured home which is not subject to the lot area requirements of this code.

“Lot area” means the total area within the lot lines of a lot, excluding any street rights-of-way.

“Lot, corner” means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. (See Figure 20.06-2.)

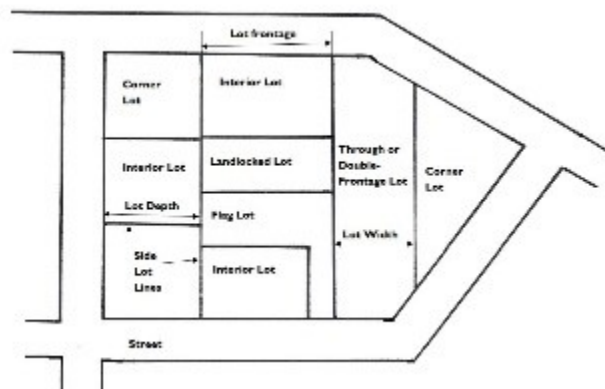


Figure 20.06-2 – Lot Layout

“Lot coverage” is the percentage of net land area of a site that can be covered with roofed structures.

“Lot depth” means the distance measured from the front lot line to the rear lot line. (See Figure 20.06-2.) For lots where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten feet and averaging the length of these lines.

Lot, Double Frontage. See “Lot, through.”

“Lot, flag” means a lot only a narrow portion of which fronts on a public/private road and where access to the public/private road is across that narrow portion.

“Lot, frontage” means the length of the front lot line measured at the street right-of-way line. (See Figure 20.06-2.)

“Lot, interior” means a lot other than a corner lot. (See Figure 20.06-2.)

“Lot, landlocked” means a lot which has no deeded access to a public street. (See Figure 20.06-2.)

“Lot line” means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 20.06-3.)

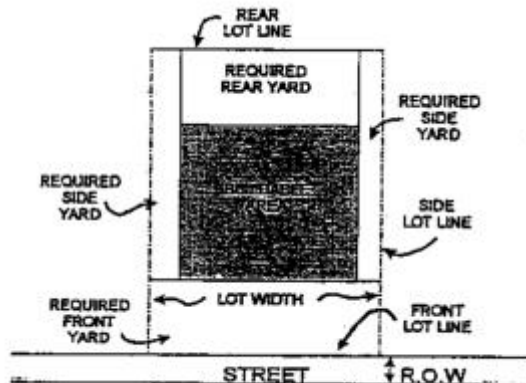


Figure 20.06-3 – Lot Lines

“Lot line, front” means the lot line separating a lot from a street right-of-way, or in the case of a flag lot, the line closest to a street right-of-way excluding the flagpole portion of the property. (See Figure 20.06-3.)

“Lot line, rear” means the lot line opposite and most distant from the front lot line; or in the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 20.06-3.)

“Lot line, side” means any lot line other than a front or rear lot line. (See Figure 20.06-3.)

“Lot of record” means a lot legally existing prior to the effective date of this code.

“Lot through” means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. (See Figure 20.06-2.)

“Lot width” means the horizontal distance between the side lines of a lot measured along a straight line parallel to the front lot line at the minimum required building setback line. (See Figure 20.06-3.)

“Low-income household” shall mean the same as defined in RCW 36.70A.030.

“Low impact development (LID)” is an approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness.

“Low impact development best management practices (LID BMPs)” are as defined in Chapter 12.01.

“Low-volume traffic generation” means uses such as furniture stores, carpet stores, major appliance stores, etc., that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

20.06.030.M M definitions.

“Manufactured home within a manufactured home park” means a structure which is designed and built as a permanent dwelling unit but which is: (1) not constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes, and (2) is constructed with an integral frame of “T” beams or tubular steel which is the structural foundation of the home itself and which provides the attachment for transport assemblies used to tow the mobile home to the point of use. This definition does not include mobile homes, modular homes, commercial coach, or recreational vehicles.

“Manufactured home on a single parcel” means “new” and “designated manufactured homes” as defined in RCW 35.63.160 and RCW Title 46 and is not a “used mobile home” as defined in RCW 82.45.030(2).

“Manufactured (mobile) home park” means a residential use in which more than one mobile or manufactured home is located on a parcel of land under single ownership. (See Chapter 20.184.)

“Modular home” means a dwelling unit constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

“Moderate-income household” shall have the same meaning as defined in RCW 84.14.010.

“Multi-use pathway” means an on-site pathway designed to provide pedestrian and bicycle access and circulation through and within a site.

20.06.030.S S definitions.

“Sand and gravel pits” means an area where earthen materials in excess of five hundred cubic yards are extracted from the site for commercial purposes which may or may not include stockpiling.

Satellite Dishes. (See Chapter 20.170, Wireless Communication Facilities.)

SEPA – State Environmental Policy Act/Rules. Refers to Chapter 43.21C RCW and SEPA Rules in Chapter 197-11 WAC adopted by the Washington State Department of Ecology. Refers further to the city’s environmental ordinance in Title 21 and Chapter 20.134.

“Service station” means a retail facility to provide motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair service and incidental sale of motor vehicle accessories.

~~“Shelter” means short term, emergency housing for homeless or abused persons. Typically a shelter offers housing and meals to such individuals for up to thirty days; however, longer stays may be allowed according to the need.~~

Sight Visibility Triangle. Referred to in this code as “clearview triangle.”

“Sign” means any device, structure, fixture (including the supporting structure) or any other surface that identifies, advertises and/or promotes an activity, product, service,

place, business, political or social point of view, or any other thing. (See Division VI of this title, Sign Regulations.)

“Significant tree” means a tree in good condition at least six inches in diameter at breast height (DBH) where the diameter of the tree is measured four and one-half feet above the ground, as determined by the municipal arborist.

“Site plan” means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the reviewing body and/or approving authority. (See Chapter 20.46, Site Plan Review Committee.)

“Special events” means circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

“Special use permit” means a permit issued by the hearing examiner that authorizes the recipient to make use of property which has lost its nonconforming status. (See Chapter 20.224, Special Use Permits.)

“Stall” means the parking space into which vehicles park. (See “Parking space, stall.”)

“Storage facilities, bulk” means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of large size.

“Storage facilities, commercial” means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.

“Storage facilities, residential mini-storage” means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure.

“Stormwater drainage system” shall have the same meaning as defined in Chapter 13.06.

“Stormwater facility” shall have the same meaning as defined in Chapter 13.06.

“Street” means the entire width between the boundary lines of every way which provides for public use for the purposes of vehicular and pedestrian traffic and including the terms “road,” “highway,” “lane,” “place,” “avenue,” or other similar designations. Nothing may be placed or located within this area except public facilities landscaping subject to clearview triangle standards (in Chapter 20.114, and off-premises directional signs as provided in Section 20.204.150(B)).

“Structural alteration” means any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

“Structure” or “building” means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires a location on the ground or which is attached to something having a location on the ground, whether assembled on site, or assembled elsewhere and placed on the site. This definition does not include paved areas or fences under six feet in height.

“Subarea plan” means a land use plan for a subarea designated by the Comprehensive Plan which is adopted by the Walla Walla city council pursuant to Chapter 36.70A RCW.

Subdivision. See Title 19, Subdivisions. Refers also to Chapter 58.17 RCW.

20.06.030.T T definitions.

~~Temporary or Emergency Housing. The terms “temporary” or “emergency housing” in this code are synonymous with “shelter.”~~

“Temporary structure” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Temporary use” means a use established for a period of time fixed in the permit which authorizes the use.

“Tower” means any structure whose principal function is to support an antenna.

“Townhouse” means two- or three-story attached dwelling units constructed on separate lots.

“Transitional housing” shall have the same meaning as defined in RCW 84.36.043

Tract. The term “tract” is used interchangeably with the term “lot.”

20.06.030.V V definitions.

“Variance” means a grant of permission by the hearing examiner that authorizes the recipient to adjust specific dimensional regulations of this code applicable to a particular piece of property. (See Chapter 20.220, Variances.)

“Variance, minor” means a variance of up to ten percent of any dimensional standard of this code, authorized by the director.

“Vegetated LID BMP” means LID BMPs that include vegetation components such as bioretention and vegetated roofs.

“Very low-income household” shall have the same meaning as defined in RCW 36.70A.030.

Vision Clearance Area. Referred to in this code as “clearview triangle.”

Chapter 20.30 LEVEL VI REVIEW

Sections:

20.30.010 Purpose.

20.30.020 When required.

20.30.030 Review procedures, decision – Level VI.

~~20.30.040 Comprehensive Plan/Subarea Plan adoption/amendment criteria.~~

20.30.030 Review procedures, decision – Level VI.

The review procedures for Level VI proposals are governed by the applicable provisions of the Walla Walla Municipal Code and the Revised Code of Washington.

A. Annexations. The zoning of property to be annexed will be determined according to Section 20.02.080. Annexations shall be processed as provided in Chapter 35A.14 RCW, as amended, Sections 20.02.080 and 20.14.090, and this chapter.

B. Prezones. Prezones, also known as proposed zoning regulations, shall be processed as provided in RCW 35A.14.330 and 35A.14.340, as amended.

C. Street Vacations. Street vacation requests shall be processed according to Chapter 35.79 RCW, Sections 20.14.085 and 20.14.090, and this chapter. Street vacation petitions shall be reviewed by the site plan review committee and the planning commission before they are brought to the city council for consideration. The planning commission is not required to hold a public hearing and may consider the petition at a public meeting. At a public meeting, the planning commission shall consider the recommendation of the site plan review committee and make a recommendation to the city council. The SPRC shall review the proposed street vacation for its impact on the city’s current and future traffic circulation and utility facility planning.

~~D. Comprehensive Plan/Subarea Plan Adoption and Amendments.~~

~~1. Comprehensive Plan and Subarea Plan provisions and designations regarding the city, and amendments thereto, shall be processed in accordance with RCW 35A.63.070, 35A.63.071, 35A.63.072, 35A.63.073, and Chapter 36.70A RCW. Public notice and participation shall be provided in accordance with the notice and hearing requirements of this title. The planning commission shall, following public hearing, forward its recommendation to the city council for consideration and decision. The Walla~~

~~Walla city council shall conduct a public hearing upon a plan or amendment proposal prior to taking action thereon. City council adoption shall constitute final action upon the provisions and designations which regard the city. The city council may, in its discretion, accept additional public comment at any time before final action is taken; however, an additional opportunity for review and comment upon a plan or amendment proposal is not required after the public hearing is closed unless the city council chooses to consider a change to the draft which was available for public review and comment after the opportunity for review and comment on the draft has passed and none of the exceptions below apply. An additional opportunity for public review and comment upon such a change is not required if:~~

~~a. An environmental impact statement has been prepared for the proposal and the change is within the range of alternatives considered in the impact statement;~~

~~b. The change is within the scope of alternatives available for public comment;~~

~~c. The change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of the proposal without changing its effect;~~

~~d. The change relates to a capital budget decision; or~~

~~e. The change is to a moratorium or interim control.~~

~~2. Comprehensive Plan and Subarea Plan provisions and designations regarding only the unincorporated urban growth area, and amendments thereto, shall be processed in accordance with the Walla Walla County Code.~~

~~3. Comprehensive Plan and Subarea Plan provisions regarding both the city and the unincorporated urban growth area, and amendments thereto, shall be processed by the city as provided in subsection (D)(1) of this section. City council adoption shall constitute final action upon the provisions and amendments regarding their application within the city and recommendation to the County Commissioners regarding their application in the unincorporated urban growth area. Recommendations with respect to the unincorporated urban growth area shall be thereafter processed in accordance with the Walla Walla County Code.~~

DE. SEPA Review. All Level VI legislative proposals will be reviewed by the department and, if SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 20.14 and Title 21 of this code and Chapter 197-11 WAC prior to final approval by the city council.

~~20.30.040 Comprehensive Plan/Subarea Plan adoption/amendment criteria:~~

~~A. The city's action on a Comprehensive Plan adoption or amendment proposal shall be based on legislative findings upon whether or not the proposal conforms with Chapter 36.70A RCW.~~

~~B. The city's action on a Subarea Plan adoption or amendment proposal shall be based on legislative findings upon whether or not the proposal is consistent with the Comprehensive Plan.~~

Chapter 20.34 DEVELOPMENT AGREEMENTS

Sections:

20.34.010 Authority.

20.34.020 General provisions.

20.34.030 Term.

20.34.040 Approval procedure, recording.

20.34.050 Judicial Appeal.

20.34.010 Authority.

A. The city may, in accordance with the provisions of RCW 36.70B.170-210, enter into a development agreement with a person(s) having ownership or control of real property within its jurisdiction, or outside its boundaries as part of a proposed annexation or a utility service agreement.

1. The execution of a development agreement is a proper exercise of the city's police power and contract authority.

2. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities.

3. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

B. Development agreements are not "project permit" applications as defined in RCW 36.70B.020. Therefore, there is no deadline for processing a development agreement. If an applicant requests that the city execute a development agreement as part of its approval of a project permit application, the applicant must first sign a written waiver of the deadline for issuance of the final decision of the project permit application.

20.34.020 General provisions.

A. A development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement, provided that:

1. The development agreement shall be consistent with all applicable development regulations.

2. The provisions of this section do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence or adopted under separate authority.

3. For the purposes of this section, "development standards" includes, but is not limited to:

a. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

b. The amount and payment of impact and mitigation fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions or other financial contributions by the property owner, inspection fees, or dedications;

c. Mitigation measures, development conditions, and other requirements under RCW 43.21C;

d. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

e. Affordable housing, if applicable;

f. Parks and open space preservation;

g. Phasing;

h. Review procedures and standards for implementing decision;

i. A build-out or vesting period for applicable standards; and

j. Any other appropriate development requirement or procedure.

20.34.030 Term.

Development agreements applicable to properties within the boundaries of the city are limited to a ten-year timeframe. An extension of one to ten years may be exercised upon mutual approval of both the developer and the city. Development agreements applicable to properties outside of the city boundaries may continue in effect until a date as specified in the agreement. Agreements outside the city may contain variable expiration dates for some, or all, of the standards listed in this section.

20.34.040 Approval procedure, recording.

A. A development agreement shall only be approved by the city council after a public hearing. The director shall determine the hearing body based on the nature of the proposed action necessitating a development agreement. A hearing body, other than the city council, shall conduct a hearing and forward its recommendation to the city council for consideration and decision.

B. Upon approval, a development agreement shall be recorded with the Walla Walla County Auditor.

1. During the term of a development agreement, it is binding on the parties and their successors.

2. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement.

3. Any permit or approval issued by the city after the execution of a development agreement must be consistent with the terms of the development agreement.

4. A development agreement and the development standards incorporated in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement.

20.34.050 Judicial Appeal.

If a development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

Chapter 20.48 AMENDMENTS

Sections:

20.48.010 Purpose.

20.48.020 Who may initiate.

20.48.030 Procedure.

20.48.040 Review criteria for site specific rezones.

20.48.045 Review criteria prezones, area wide rezones and text amendments.

20.48.050 Record of amendments.

20.48.060 Limits on reapplication.

20.48.100 Comprehensive Plan/Subarea Plan Adoption and Amendments.

20.48.200 Docketing – Comprehensive plan/development regulations amendment suggestion procedure.

20.48.010 Purpose.

The purpose of *sections 20.48.010 through 20.48.060* ~~this chapter~~ is to establish the procedures to amend the zoning text and/or map when the proposed change will benefit the general welfare of the community and is consistent with the goals, objectives and policies of the Comprehensive Plan as amended.

A. From time to time a change in circumstance or condition may warrant a change in the Zoning Code consistent with any changes made in the Comprehensive Plan.

B. There are four types of zoning related amendments:

1. Area-Wide Rezone. Legislative approval of land reclassification in an area. An “area-wide rezone” is a change in the Official Zoning Map.

2. Site-Specific Rezone. A reclassification of land from one zoning district to another, allowing a change in the range of permitted uses on a specific piece of property. A “site-specific rezone” is a change in the Official Zoning Map.

3. Zoning Code Text Amendment. A change of the text, standards, procedures or other provisions of this code.

4. Prezone. A prezone provides a zone designation for land to be annexed to the city. Upon annexation the official zoning map is changed to reflect the addition.

20.48.020 Who may initiate.

A. Amendments may be initiated by:

1. The city council;
2. The city manager;
3. The planning commission;
4. The zoning administrator;
5. Any person requesting amendment to the text of this code;
6. Any property owner or contract purchaser or authorized agent requesting a rezone of his property; or
7. Any property owner(s) requesting annexation to the city.

20.48.100 Comprehensive Plan/Subarea Plan Adoption and Amendments.

A. Comprehensive Plan and Subarea Plan provisions and designations regarding the city, and amendments thereto, shall be processed in accordance with RCW 35A.63.070, 35A.63.071, 35A.63.072, 35A.63.073, and Chapter 36.70A RCW. Public notice and participation shall be provided in accordance with the notice and hearing requirements of this title. The planning commission shall, following public hearing, forward its recommendation to the city council for consideration and decision. The Walla Walla city council shall conduct a public hearing upon a plan or amendment proposal prior to taking action thereon. City council adoption shall constitute final action upon the provisions and designations which regard the city. The city council may, in its discretion, accept additional public comment at any time before final action is taken; however, an additional opportunity for review and comment upon a plan or

amendment proposal is not required after the public hearing is closed unless the city council chooses to consider a change to the draft which was available for public review and comment after the opportunity for review and comment on the draft has passed and none of the exceptions below apply. An additional opportunity for public review and comment upon such a change is not required if:

1. An environmental impact statement has been prepared for the proposal and the change is within the range of alternatives considered in the impact statement;

2. The change is within the scope of alternatives available for public comment;

3. The change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of the proposal without changing its effect;

4. The change relates to a capital budget decision; or

5. The change is to a moratorium or interim control.

B. Comprehensive Plan and Subarea Plan provisions and designations regarding only the unincorporated urban growth area, and amendments thereto, shall be processed in accordance with the Walla Walla County Code.

C. Comprehensive Plan and Subarea Plan provisions regarding both the city and the unincorporated urban growth area, and amendments thereto, shall be processed by the city as provided in subsection A of this section. City council adoption shall constitute final action upon the provisions and amendments regarding their application within the city and recommendation to the County Commissioners regarding their application in the unincorporated urban growth area. Recommendations with respect to the unincorporated urban growth area shall be thereafter processed in accordance with the Walla Walla County Code.

D. The city's action on a Comprehensive Plan adoption or amendment proposal shall be based on legislative findings upon whether or not the proposal conforms with Chapter 36.70A RCW.

E. The city's action on a Subarea Plan adoption or amendment proposal shall be based on legislative findings upon whether or not the proposal is consistent with the Comprehensive Plan.

20.48.200 Docketing – Comprehensive plan/development regulations amendment suggestion procedure.

A. In accordance with RCW 36.70A.470, suggested changes to the comprehensive plan or development regulations which are not specific to any site or project based may be submitted by any individual, organization or general or special purpose government. A list of such suggestions shall be known as the “docket” and is the means to suggest a

change or identify a deficiency, such as the absence of required or potentially desirable content in the comprehensive plan or development regulations. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket.

B. Suggested changes must be submitted in writing to the department and shall address the criteria outlined in subsection D of this section.

C. Suggestions received by March 31 will be considered in the City's annual comprehensive plan and zoning code amendment cycle. The department will review such suggestions with the city council and determine whether to direct them to the planning commission for further consideration. The city council may decline to consider any item from the docket.

D. Suggested amendments on the docket may be considered appropriate for action if the following criteria are met:

- 1. Addresses a matter appropriate for inclusion in the comprehensive plan or development regulations.*
- 2. Demonstrates a strong potential to serve the public interest.*
- 3. Addresses the interests and changed needs of the entire city.*
- 4. Does not raise a policy or land use issue(s) that may be more appropriately addressed by an ongoing work program.*
- 5. Can be reasonably reviewed and evaluated, given existing staff and budget resources.*
- 6. Has not been acted upon by the City Council in the last three years.*

E. Any item on the docket that is not determined to be appropriate for action may be proposed under Chapter 20.48 (zoning text and or map amendments) or Section 20.48.200 (comprehensive plan amendments), provided it is timely and properly filed.

20.50.020 RN Neighborhood Residential.

The Neighborhood Residential Zone is intended to provide for a variety of housing types such as single-family residential up to fourplexes, townhomes, cottage housing, and tiny homes ~~that are compatible with the neighborhood characteristic.~~

A. Level of Uses. The uses allowed by Level I, II, III, or IV procedures in this zone are designated by a 1, 2, 3, or 4 respectively on the Tables of Permitted Land Uses, Chapter 20.100.

B. The Neighborhood Residential Zone has a minimum net density requirement of four dwelling units per acre.

C. Minimum Yard Requirements.

1. Front yard: twenty feet. Corner lots have two front yards: primary and secondary. The primary front yard (generally off-street parking side) shall be full depth; the secondary front yard shall be one-half the required front yard depth. Front yard setback for garage or carport must be twenty feet; front yard setback for house may be reduced to fifteen feet.

2. Side yard: five feet; attached housing with a shared wall/property line can be zero feet except for end units that shall be five feet.

3. Rear yard: twenty feet. Rear yards for detached accessory structures: see Chapter 20.118. Corner lots are not considered to have rear yards.

4. For exceptions to these minimum standards, see Section 20.102.020.

D. Lot Coverage. Buildings shall occupy a maximum of fifty percent of the lot.

E. Building Height. No building shall exceed thirty-five feet.

F. Off-Street Parking. See Chapter 20.127 for residential parking requirements.

20.100.040.C Community Services.

Land Uses	Zoning Districts							
	RN	RM	PR	CC	CH	IL/C	IH	AD
Cemetery	x	x	1	x	x	x	x	x
Churches, Synagogues, Temples	3	3	1	1	1	3	3	3
Colleges (other than state education facilities)	3	3	1	1	1	2	x	3
Community Animal Shelters	x	x	x	x	3	1	1	3
Community Center, Services Clubs, Fraternal Lodges	3	2	1	1	1	2	x	2
Day Care Centers: Mini (1 – 12 children) (*)	1	1	1	1	1	1	x	1
Day Care Centers: Family (13 or more children) (*)	3	3	3	3	3	3	x	1
Essential Public Facilities (•)	3	3	3	3	3	3	3	3

Fire Stations, Police Stations and Ambulance Service	3	3	1	1	1	1	1	1
Funeral Homes, Crematories, Mausoleums and Columbaria	x	3	1	1	1	3	x	x
Government Offices, Quasi-Government Offices, Community Services Agencies Offices	x	3	1	1	1	1	1	1
Hospitals	3	3	1	x	3	3	x	x
<i>Emergency Housing/Shelter</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>x</i>
Libraries	3	3	1	1	1	3	x	x
Museums, Art Galleries	3	3	1	1	1	3	x	x
Schools, Public/Private Schools	3	3	1	2	2	x	x	x
Schools, Vocational Schools	3	3	2	2	2	2	x	2
Shelters, Temporary Housing—Emergency	3	1	1	1	1	1	1	x
Storage of Gravel and Equipment for Street Construction (Permanent)	x	x	1	x	x	3	1	3
Designated Camping Area (☐)	x	x	1	x	x	x	1	x
Zoo	x	x	1	x	x	x	x	x

NOTES:

1. (•) The facility must be sited in accordance with Chapter 20.176, or, in the case of preemption, such other applicable process established by law, before proceeding with Level III conditional use review.
2. (☐) refers to an area designated in accordance with Chapter 9.18.

20.100.040.F Residential.

Land Uses	Zoning Districts
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	RN	RM	PR	CC	CH	IL/C	IH	AD
Accessory Dwelling Unit, Attached	1	1	x	x	x	x	x	x
Accessory Dwelling Unit, Detached	1	1	x	x	x	x	x	x
Adult Family Home	1	1	1	x	x	x	x	x
Animals	See Chapter 20.130							
Boarding House (*)	2	1	x	x	x	x	x	x
Congregate Care Facility (*)	3	3	3	1	1	x	x	x
Conversion of Historic Structures to Nonresidential Use	See Chapter 20.146							
Cottage Housing	1	1	x	x	2	x	x	x
Detached Single-Family Dwelling	1	1	x	x	x	x	x	x
Dwelling Unit, Security Personnel	x	x	x	x	1	1	1	1
Duplex, Triplex and Fourplex	1	1	x	x	x	x	x	x
Garage Sales (*) (1)	1	1	1	1	1	x	x	x
Group Housing for Handicapped Persons (6 or fewer clients)	1	1	1	x	x	x	x	x
Group Housing for Handicapped Persons (More than 6 clients)	3	1	1	x	x	x	x	x
Home Occupations	See Chapter 20.122							
Manufactured Home Parks (*)	3	2	x	x	1	x	x	x
Mobile Home (*) or Manufactured Homes (*) (2)	1	1	x	x	x	x	x	x

Multifamily Dwelling	See Section 20.50.020	1	2	2	2	x	x	x
Nursing Care Home (9 or fewer clients)	3	2	2	2	2	x	x	x
Nursing Care Facility (10 or more clients)	3	3	3	3	3	x	x	x
Permanent Supportive Housing	3	3	x	3	3	3	x	x
Planned Residential Development (Level 4 Review)	See Title 19, Subdivisions Code							
Residential Use, Commercial Districts (3)	x	x	x	1	1	1	x	x
Satellite Dishes, Receive Only Earth Station, Residential Use (4)	1	1	x	x	x	x	x	x
Short-Term Rental Type 1 (Principal Residence)	1	1	x	1	1	x	x	x
Short-Term Rental Type 2 (Not Owner-Occupied)	x	x	x	1	1	x	x	x
Temporary Hardship Units (Mobile Home)(2)	2	2	2	x	x	x	x	x
<i>Transitional Housing</i>	<i>3</i>	<i>3</i>	<i>x</i>	<i>3</i>	<i>3</i>	<i>3</i>	<i>x</i>	<i>x</i>

NOTES:

1. No residential premises shall have more than 4 per year for a total of 12 days a year. See Section 20.118.060.
2. Subject to specific development standards. See Division V.
3. Second story and above.
4. Subject to specific development standards. See Chapter 20.170.

Chapter 20.118 RESIDENTIAL ACCESSORY USE STANDARDS

20.118.030 Accessory dwelling units.

A. An accessory dwelling unit (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, cooking and sanitation. The purpose of accessory dwelling units is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the primary unit, rental income, companionship, security, and services.
2. Add affordable units to the existing housing.
3. Make housing units available to moderate- income people who might otherwise have difficulty finding homes within the city.
4. Develop housing units in ~~single-family~~ neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Protect neighborhood stability, property values, and the ~~single-family~~ residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this code.

B. Accessory dwelling units are permitted in residential zones subject to the following standards:

1. Accessory dwelling units are permitted only as an accessory use to a single-family residence or duplex in a residential zone.
2. The maximum size of an accessory dwelling shall be eight hundred square feet.
3. A building permit application is required for all accessory dwelling units.
4. There shall be only one entrance on the front of a house. Separate entrances to an accessory dwelling unit are permitted at the side or rear of the primary dwelling unit.
5. One off-street parking space is required in addition to the off-street parking spaces required for the primary residence. Parking must be provided in the rear of the lot or on a driveway.
6. The maximum number of accessory dwelling units allowed on any lot shall be one.

C. Application for an ADU shall be made in accordance with the permit procedures established in Chapter 20.14.

Chapter 20.134 ENVIRONMENTAL PERFORMANCE

20.134.070 Storage – Residential.

A. Inside Storage. Every reasonable effort shall be made by persons using property as a residence to store raw materials, fixtures, equipment and solid waste related to residential activities entirely enclosed within a building with the following exceptions:

1. Licensed, operable motor vehicles;
2. Lawn furniture in good repair;
3. Lawn care items such as hoses and lawn ornaments;
4. Licensed trailers, recreational vehicles and the like;
5. Fuel for wood burning appliances;
6. Construction material temporarily stored on the premises for use at that site.

B. Outside Storage.

1. Where outside storage is allowed by this code, it shall be maintained in an orderly manner consistent with good housekeeping practices and shall create no fire, safety, health, or sanitary hazard.

2. Appliances and other mechanical equipment normally used in the residential environment which are no longer operable, shall not be stored outside for more than fourteen days. Such storage shall not be allowed within the front or side yard setbacks. *For corner lots, such storage shall not be allowed within the primary and secondary front yard setbacks, as described in 20.50.020(C).*

3. Boats, trailers, recreational vehicles, and the like stored outside must be:

a. Stored within the rear or side yard. *For corner lots, stored within the side yards.*

b. Licensed and operable.

4. Motor vehicles, boats, trailers, recreational vehicles and the like which are not operable or licensed and which are stored outside must be:

a. Stored within the rear yard (*or for corner lots, stored within the side yards*), and screened from view by a six-foot high sight obscuring fence or six-foot high dense landscaping, or may be stored under a cloth or vinyl cover designed for that purpose.

5. No more than two inoperable or unlicensed motor vehicles, boats, trailers, recreational vehicles or the like may be stored outside on a residential property. A motor

vehicle is considered inoperable if it cannot legally be driven on the streets of Walla Walla under its own power, or in the case of a trailer, cannot be legally, safely and properly towed.

6. The total number of vehicles parked or stored outside (not within a totally enclosed structure) on any lot or property in ~~single-family~~ residential use shall not exceed six, including trailers and RVs.

C. Storage – Prohibited. Neither inside or outside storage of materials or equipment associated with a commercial or industrial use is allowed on a residential zoned property with the following exceptions:

1. Materials and equipment associated with an approved home occupation.

2. Business vehicles, not exceeding a vehicle gross weight of ten thousand pounds, associated with a contractor or other service provider, provided the contractor may not store more than two such vehicles on his property. Such vehicles shall be similar to the type of domestic vehicles normally associated with residential use; i.e., car, pickup, van.

Chapter 20.172 WINERIES, BREWERIES AND DISTILLERIES

Sections:

20.172.010 Purpose.

20.172.020 Definitions.

20.172.030 Uses permitted by zone.

20.172.040 Conditional use standards.

20.172.010 Purpose.

The purpose of this chapter is to establish standards for wineries, ~~and~~ breweries, ~~and~~ *distilleries* in Commercial and Industrial zones.

Wineries, ~~and~~ breweries, ~~and~~ *distilleries* are recognized as contributing to the economy and culture of the community. These provisions are the framework for local review of applications for wineries, *breweries* and ~~breweries~~ *distilleries*, the zones within which they are permitted, and the standards which apply to development in the various zones.

The facility types and review standards established in this chapter are not intended to modify or supersede statutory regulation of wineries, *breweries*, and ~~breweries~~ *distilleries*.

20.172.020 Definitions.

For purposes of this code, the following definitions of wineries, breweries, and distilleries are established.

A. Wineries.

1. Type A Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, but without primary fruit processing or bulk fermentation.
2. Type B Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, with primary fruit processing or bulk fermentation.
3. Type C Winery. Winery with either on-site primary fruit processing or bulk fermentation or both, with emphasis on industrial production rather than pedestrian-oriented access and commercial activity.

B. Breweries.

1. Type A Brewery. Brewery with primary processing associated with restaurant.
2. Type B Brewery. Brewery with primary processing with or without on-site tasting, not associated with restaurant.

C. Distilleries

~~€1. Type A~~ Distillery. A distillery facility which produces ***more than one hundred fifty thousand gallons of by distillation*** spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery.

~~D2. Type B~~Craft Distillery. ~~As defined in Chapter 66.24 RCW. A “craft distillery” means a distiller producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in production grown in the state of Washington. A distillery facility which produces one hundred fifty thousand gallons or less of spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery.~~

20.172.030 Uses permitted by zone.

This table determines the level of review by which applications for various types of wineries, breweries, and distilleries will be processed. If a zone is not listed in the table, wineries, breweries, and distilleries are not permitted in that zone. If a listed zone contains the symbol “X” in a cell corresponding to a particular type of winery, brewery, or distillery as defined above, that type of facility is not permitted in that zone.

Level I review process is found in Chapter 20.18. Level II review process is found in Chapter 20.22. Level III review process is found in Chapter 20.26.

Table 20.172.030-1
Permitted Zones and Required Review Levels

	Central Commercial	Highway Commercial	Light Industrial Commercial	Heavy Industrial	Airport Development
Type A Winery	Level I	Level I	Level I	X	Level I
Type B Winery	Level III	Level II	Level I	Level I	Level I
Type C Winery	X	X	Level I	Level I	Level I
Type A Brewery	Level I	Level I	Level I	X	Level I
Type B Brewery	X	Level II	Level I	Level I	Level I

Table 20.172.030-1
Permitted Zones and Required Review Levels

	Central Commercial	Highway Commercial	Light Industrial Commercial	Heavy Industrial	Airport Development
Type A Distillery	X	X	Level I	Level I	Level I
Type B Craft Distillery	Level II	Level II	Level I	Level I	Level I

Chapter 20.212 NONCONFORMING SITUATIONS

20.212.060 Repair, maintenance and reconstruction.

A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Such activities are subject to Level I review.

B. Expansion, enlargement, repair or reconstruction of a nonconforming residential accessory structure may be permitted under Level I processing when the nonconformity is a result of setback issues, and placement of accessory structures on the rear side property lines is a common neighborhood characteristic.

C. Major renovations or reconstruction, i.e., work estimated to cost over twenty-five percent of the replacement costs of the structure, may be done only in accordance with conditional use procedures (Level III), Chapter 20.216. In addition to the general criteria of Section 20.216.040, the following criteria shall be met when repairs or reconstruction costs are greater than fifty percent of the replacement cost:

1. The proposed repair or reconstruction does not materially increase noise, odor, traffic, or other adverse effects on surrounding property which conforms to the provisions of the use zone applicable to the property.

2. The proposed repair or reconstruction does not increase the nonconformity of the structure or use.

~~***3. Expansion, enlargement, repair or reconstruction of a nonconforming residential accessory structure may be permitted under Level I processing when the nonconformity is a result of setback issues, and placement of accessory structures on the rear side property lines is a common neighborhood characteristic.***~~

ED. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building ordered by any official charged with protecting public safety. (Ord. 2001-17 § 15, 2001).



ar-4441

30min

City Council - Work Session

Meeting Date: 11/29/2021

Item Title: Revisions to Municipal Code 13.03, 13.04, and 13.30

Submitted For: Ki Bealey, Public Works Department

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

These proposed municipal code changes accompany the rate ordinance proposed for the Water and Wastewater utilities slated for Council consideration at the December 1, 2021 meeting.

Information

HISTORY:

As part of the Water and Wastewater financial planning effort, staff and the consultant team conducted a review of Municipal Code Chapters 13.03 (Sewer), 13.04 (Water), and 13.30 (Wastewater Standards).

Summary of notable changes to 13.03 (Sewer):

1. Removed sections that are either not applicable or are addressed in Chapter 13.30.
2. Added a high strength classification of user/discharger/customer.
3. Converted units from cubic feet to gallons.
4. Added a provision that wastewater customers in the high strength class are ineligible for winter averaging.
5. Updated handling, charges, and measurement language for septage and wine waste.
6. Enhanced language regarding penalties.

Summary of notable to 13.04 (Water):

1. Converted units from cubic feet to gallons.
2. Moved the rate for fire service detector checks to the rate ordinance.

Summary of changes to 13.30 (Wastewater Standards):

1. Removed language that is no longer applicable and/or redundant to other sections of code.
2. Made changes to align the provisions of 13.30 with the creation of the new high strength classification in 13.03.
3. Moved septage permitting and quality components from 13.03 to 13.30.
4. Added an appeal provision under the discharge permitting section.
5. Added clarifying language to the enforcement section.

POLICY ISSUES:

All changes to Municipal Code require approval by City Council.

Summary of key policy changes for Chapter 13.03 (Sewer):

- The addition of a high strength classification of user/discharger/customer.
- Wastewater customers in the high strength class are ineligible for winter averaging.

Summary of key policy changes for Chapter 13.04 (Water):

- None

Summary of key policy changes for Chapter 13.30 (Wastewater Standards):

- The addition of an appeal provision under the discharge permitting section.

ALTERNATIVES:

Council can modify or deny any or all changes. However, denial of some of the proposed changes, such as the creation of a high strength wastewater class will require that corresponding changes be made to the proposed rate ordinance.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Ordinance

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING SECTIONS, ADDING SECTIONS, AND REPEALING SECTIONS OF THE WALLA WALLA MUNICIPAL CODE PERTAINING TO CITY UTILITIES AND VARIOUS UTILITY RATES

WHEREAS, the City of Walla Walla was established in 1862 by an act of the Legislative Assembly of the Territory of Washington and passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that the City of Walla Walla “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;” and

WHEREAS, RCW 35A.11.020, RCW 35A.21.150, RCW 35A.21.160, 35A.80.010, Ch. 35.67 RCW and Ch. 35.92 RCW authorize the City of Walla Walla to operate utility services and establish rates and charges for such services; and

WHEREAS, RCW 35A.11.020 authorizes the Walla Walla City Council to impose penalties for violation of City ordinances; and

WHEREAS, amendments to the Walla Walla Municipal Code are needed; and

WHEREAS, the Walla Walla City Council has considered adoption of an ordinance regarding utility rates and penalties during a regularly and duly called public meeting of said Council, has given careful review and consideration to said ordinance, and finds said ordinance to be in the best interests of the City of Walla Walla,

NOW THEREFORE, the City Council of the City of Walla Walla ordains as follows:

Section 1: The following sections of the Walla Walla Municipal Code are repealed: 13.03.625, 13.03.627, 13.03.700, 13.03.710, 13.03.720, 13.03.730, 13.03.740, 13.03.750, 13.03.870, 13.03.880, and 13.03.910.

Section 2: Section 13.03.090 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.090 City engineer.

“City engineer” means the public works director of the city of Walla Walla, or his/her duly authorized representative *who shall perform such duties to be determined by the city manager in consultation with the director of public works.*

Section 3: Section 13.03.410 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.410 Sewer service rates, multiple dwelling.

“Multiple dwelling” for sewer service charges means multiple dwellings as defined in Title 20 of this code. Charges shall apply to a complex served by one water meter, in accordance with *the City’s rate ordinance(s)* ~~schedules contained herein.~~

Section 4: Section 13.03.430 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.430 Sewer service rates, residential.

“Residential” for sewer service charges means one-family and two-family dwelling units as defined in Title 20 of this code. Charges shall apply to each dwelling unit, in accordance with *the City’s rate ordinance(s)* ~~schedules contained herein.~~

Section 5: Section 13.03.435 is added to the Walla Walla Municipal Code as follows:

13.03.435 Sewer service rates, high-strength.

“High-strength” for sewer service charges means any customer that has high strength sewage and uses more than 120,000 gallons of water per year. High strength sewage means wastewater that has a Biochemical Oxygen Demand (BOD) strength greater than 300 mg/L. The high-strength classification shall apply to qualifying customers in lieu of any classification that might otherwise apply. The high-strength classification shall apply to qualifying customers without regard to a customer’s water rate classification. Examples are wine production facilities, breweries, distilleries, juice bottlers and the Airport Industrial Park.

Section 6: Section 13.03.550 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.550 Wastewater superintendent.

~~Also known as “plant manager” or “wastewater supervisor,”~~ **The wastewater superintendent, also known as the “wastewater collections supervisor,”** shall be the director of public works or his/her authorized representative **who shall perform such duties to be determined by the city manager in consultation with the director of public works** ~~and is primarily responsible for inspecting the work of crews engaged in sewer construction activity, including extensions, repairs, maintenance, and new construction. He/she oversees repair, maintenance and cleaning operations for sanitary and storm sewers under public control. He/she also regulates construction, use and maintenance of catch basins and drains. He/she may also inspect on-site sewage disposal facilities in coordination with the health officer.~~

Section 7: Section 13.03.560 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.560 Wastewater treatment plant.

“Wastewater treatment plant” *or “treatment plant”* means *that portion of the publicly owned treatment works (POTW) which is designed to provide treatment of municipal sewage and industrial waste* ~~any arrangement of devices and structures used for treating sewage.~~

Section 8: Section 13.03.610 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.610 Monthly Sewer service charges ~~—Meter rates within city limits.~~

A *monthly* sewer service charge shall apply to all ~~water utility customers within the~~ *users of the city sewer system* ~~limits and shall be based upon monthly metered water consumption.~~ Customers are classified as provided in Sections 13.03.400, 13.03.405, 13.03.410, 13.03.420, 13.03.425, ~~and~~ 13.03.430, *and 13.03.435* as either commercial, industrial, multiple-dwelling, public, residential, ~~or~~ city of Walla Walla, *or high-strength*. The amount of each charge is established by rate ordinance(s) and shall be applied as follows:

A. There shall be a minimum monthly charge (*i.e. base charge*) for each class of customers which is imposed upon all consumers connected to the city sewer system ~~based upon the first eight hundred cubic feet or less of monthly metered water consumption.~~ *A separate base charge shall apply to customers in the multiple-dwelling and residential rate classifications for each dwelling unit at a location.*

B. In addition to the monthly minimum charge, there shall be a consumption charge for ~~each class of commercial, industrial, public, city of Walla Walla and high-strength~~ customers ~~which is imposed upon all consumers based upon each one hundred cubic feet~~ *the amount* of monthly metered water consumption ~~over the eight hundred cubic foot minimum~~ *a threshold amount established by rate ordinance(s).*

C. ~~Metered sewer service~~ *e*Customers in the *commercial rate classification* ~~under the commercial schedule who~~ *which* have and maintain a lawn and/or parking strip in front of their property, or who have nonconserving air conditioning units using city water which is not discharged into the city sewer system, directly or indirectly, at any point in the city sewer system, except those users who do not have sewer facilities, shall pay a monthly sewer service charge for the months of April, May, June, July, August, and September not greater than the charge produced by applying the rates to the average monthly consumption of water during the preceding months of December, January, and February. During October, November, December,

January, February, and March, the users classified in this subsection shall pay the rates provided in the rate schedule herein. *Customers in the high-strength rate classification are ineligible for reduction of service charges under this subsection.*

D. ~~In addition to the charges above set forth, there shall be assessed to the customer a charge equal to all pretreatment and/or attenuation costs if the following quality/quantity standards are exceeded:~~

- ~~1. Biochemical oxygen demands (BOD) more than two hundred fifty mg/L, the charge shall be an additional eight percent of the cost for each fifty mg/L over two hundred fifty mg/L; or~~
- ~~2. Total suspended solids more than two hundred fifty mg/L; or~~
- ~~3. The presence of harmful chemicals, greases, VOCs or heavy metals; or~~
- ~~4. A maximum flow within or greater than fifty percent of the average daily flow.~~
- ~~5. A low pH surcharge shall be added to the sewer bill. The surcharge shall be calculated by the equation $(5.5 - \text{Result})^2 \times \text{ten percent} = \text{percent added to the sewer bill}$. The equation reflects the logarithmic nature of the measurement of pH.~~

~~The additional charges provided in this subsection shall not apply to customers operating under a special agreement or discharge permit in accordance with Chapter 13.30; however, charges, fees, and penalties provided for in that chapter may apply.~~

E. The city reserves to itself the authority to classify customers and set rates. No customer may extend or provide its service or rates to another customer.

Section 9: Section 13.03.615 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.615 Service – Discounts for certain low income ~~senior or disabled~~ citizens.

A. A *need-based* program ~~for providing~~ discounts to the billings for sewer utility services for certain ~~low income~~ *eligible* citizens is established ~~in order~~ to provide necessary support for the disadvantaged.

B. The program provided for in subsection A of this section shall be implemented as provided in Chapter 2.102.

Section 10: Section 13.03.640 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.640 Septage ~~or soil/water~~.

A. A truck tank septage charge rate will be imposed for each ton of septage and portion thereof, ~~with a four-ton minimum charge,~~ at a ***the*** rate per ton set forth in the city's rate ordinance(s). In addition, an administrative fee shall be added to each load in an amount set forth in the city's rate ordinance(s).

B. Septic trucks may only discharge septic waste at the septic discharge station located at the city wastewater treatment plant ***during regular business hours***. The hauler must first check in, certify that the waste is domestic and pay fees. ~~All loads must have a pH greater than 5.5, or must be lime stabilized by the hauler with twenty five pounds of lime.~~

C. The wastewater treatment plant will only accept ***septage*** ~~domestic waste~~ from domestic ***sources such as domestic*** septic tanks and port-a-potties, or their equivalent. ***The plant will not accept truck delivery loads on days when the plant is running at full capacity.*** No type of industrial, chemical or food waste, to include fats, oils or grease, will be accepted at the wastewater treatment plant.

D. ~~Any private soil/water loads sent to the sand drying beds at the wastewater treatment plant will be charged the same rate as a septic load.~~

E. ~~—~~The wastewater treatment plant will not accept septage ~~or soil/water~~ which violates any discharge prohibition or standard of Chapter 13.30 or any other requirements established or adopted by the city.

~~F~~ E. Costs of special tests and handling, if required, will be in addition to treatment charge.

~~G~~ F. The charge for septage originating outside Walla Walla County shall be double the rates applicable to septage originating inside Walla Walla County.

Section 11: Section 13.03.642 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.642 Winery waste.

A. The winery waste charge rate will be imposed based on the ***amount of waste*** ~~rated capacity of the truck tank~~ and shall consist of a user charge and an administrative fee in amounts set forth in the city's rate ordinance(s).

B. Winery waste will ***only*** be accepted at the ~~city's decant facility, located at 55 East Moore Street, or at the~~ city wastewater treatment plant, located at 572 Hatch Street, ***during regular business hours***. ***All trucks shall be weighed and directed where to go. The plant will not accept truck delivery loads on days when the plant is running at full capacity.*** ~~The wastewater~~

~~treatment plant operator shall be consulted first as to which location the waste should be hauled to.~~

C. *The charge for winery waste originating outside Walla Walla County shall be double the rates applicable to winery waste originating inside Walla Walla County* ~~Once at the specified facility, the hauler must check in at the streets division if hauling to the city's decant facility, or at the wastewater treatment plant, and complete all manifest and origin paperwork. The wine waste must have a pH between 5.5 and 9.5, and the hauler will be required to test the pH of the waste prior to discharging. Low pH wine waste must be pH adjusted off site by the hauler prior to dumping at the facility. The hauler will then be directed to a manhole or discharge location at the facility to dispose of the waste.~~

Section 12 Section 13.03.760 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.760 Grease traps.

The following conditions shall be in addition to the requirements of the Uniform Plumbing Code adopted under Chapter 15.04, Technical Building Codes. In all cases where a structure is used as a hotel, boardinghouse or restaurant, or where required by the ~~wastewater superintendent~~ *city engineer*, building official, or the health officer, the owner shall provide a properly constructed grease trap or interceptor through which all wastes of a greasy nature shall be drained. All grease traps and interceptors shall be of a type, capacity and design approved by the ~~wastewater superintendent~~ *city engineer* or building official.

Traps or interceptors shall be required when the sewage or waste contains any of the following:

- A. Any liquid or vapor having a temperature higher than one hundred forty degrees Fahrenheit (one hundred forty degrees Fahrenheit equals sixty degrees Celsius);
- B. Any water or waste which may contain more than forty milligrams per liter by weight of animal or vegetable fat, oil or grease;
- C. Any gasoline, benzene naphtha, fuel oil, or other flammable liquid, solid or gas, or other petroleum products and derivatives;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, plaster, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair, bristles or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of the sewage work.

Grease traps to collect emulsified cooking grease from commercial establishments shall be located downstream from cooking and washing facilities a sufficient distance or be sufficiently large to cool the waste to a ~~lower~~ temperature ***lower*** than one hundred forty degrees Fahrenheit before leaving trap.

Section 13: Section 13.03.770 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.770 Grease, oil, solids, sand interceptors – Installation.

Grease, oil, solids, and sand interceptors or other necessary removal facilities shall be installed on premises at the owner's expense and liability when, in the opinion of the ~~wastewater superintendent of the city~~ ***engineer***, they are necessary for the proper handling of sewage from the premises of or point of origin. All interceptors shall be of a type and capacity approved by the ~~wastewater superintendent~~ ***city engineer*** and shall be located as to be readily accessible for inspection and maintenance such as cleaning and repair.

Section 14: Section 13.03.860 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.860 Notice and inspection.

Any person desiring to construct or repair any sewer in any street, alley or easement in which the sewer is located, shall first obtain ***required*** permits ~~as required under Section 13.03.800~~, and shall give at least twenty-four hours' notice before actually commencing work to the city engineer.

A. Sewers must be inspected and found satisfactory before covering the pipe. Cost of reinspection occasioned by faulty or improper work or failure to comply with these provisions may be charged to the contractor or owner.

B. The ~~wastewater superintendent, the health officer, or the city engineer,~~ ***and their designees***, shall have the right to enter upon the premises served by any on-site disposal system, or served by a side sewer, special side sewer, private sewer or otherwise connected with any public sewer at all reasonable hours to ascertain whether the provisions of the ordinance codified in this chapter or any other ordinance relative to sewers have been followed.

C. The owner or occupant of any house, building or property shall allow authorized persons to inspect on site the nature of wastes intended to be discharged into a public sewer and/or an on-site sewage disposal system.

If said facilities, sewers or attachments are in conflict with the provisions of any law or ordinance in regard thereto, the owner of said premises shall be notified to cause said sewers or attachments to be altered, repaired or reconstructed as to make them conform to the requirements of the law and ordinances within thirty days from the date of such notice, except as otherwise specifically provided.

Section 15: Section 13.03.920 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.920 Abatement of public nuisance.

A. Notwithstanding any other provision of this chapter, and in addition thereto, the maintenance of any condition adverse to the public health and safety or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge of any nature or danger or possibility thereof, or contamination of any public or domestic water supply system or well or a danger or possibility thereof, shall constitute a public nuisance and, in the discretion of the city engineer or health officer shall be subject to immediate abatement by the city at the premises owner's and/or other responsible person's expense and liability.

B. Abatement of any nuisance as defined in subsection A of this section may be billable as a utility service furnished to the premises wherein the condition arose or exists.

C. This section shall not limit the premises owners' or other parties' rights to seek recovery against other responsible persons.

D. The city engineer, ~~wastewater superintendent~~ ***designees of the city engineer***, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter at reasonable times all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this code.

Section 16: Section 13.03.950 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.03.950 Penalties.

Any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be guilty of ~~an infraction~~ ***a civil violation*** and shall be punished by a ~~fine~~ ***monetary penalty*** of not more than five ~~hundred~~ ***thousand*** dollars ***for each violation***. ***A continuing violation or failure to comply shall be considered a separate violation for each day that the violation of failure to comply continues.*** ~~In addition, a~~ Actual damages and expenses

incurred as required to effect *make* repairs to public sewers *or otherwise correct violations or failures to comply* shall be assessed in addition to the monetary fine.

Section 17: Section 13.04.190 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.04.190 Standby fire protection service – Installation conditions.

Standby fire protection service connections of one and one-half inch to eight-inch size may be installed; the cost of the installation shall be borne by the owner. In no case shall any tap be made upon any pipe used for standby fire protection for any purpose other than the extinguishing of fire on the premises. These fire services may be tested annually; but the water division must be notified in advance and a permit must be obtained prior to such a test. The city requires an approved backflow prevention device and detector check or full-sized service meter be installed on standby fire protection service connections. Detector check meters will be billed ~~five dollars per month~~ *as provided in the city's rate ordinance(s)*. Full-sized service meters will be billed at the base rate plus consumption as set forth in the city's rate ordinance for the meter size and classification for any water used for any purpose other than fire suppression or annual testing.

Section 18: Section 13.04.320 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.04.320 ~~Service—~~ Monthly ~~W~~water service charges—~~Metered rates within city limits.~~

A water service charge shall apply to all water utility customers within the corporate city limits and shall be based on monthly water consumption. Customers receiving regular service from the city's primary distribution system are classified as provided in Section 13.04.010 as either commercial, industrial, multiple dwelling, public, residential, or city of Walla Walla. The amount of each charge is established by rate ordinance(s) and shall be applied as follows:

A. There shall be a monthly base charge which is imposed upon all regular customers based upon meter size which shall include consolidated amounts for ÷

- ~~1. —~~ ~~O~~ *o*perations, maintenance, ~~and~~ capital reserve, ÷ and
- ~~2. —~~ ~~B~~ *b*ond repayment.

B. In addition to the monthly base charge, there shall be a consumption charge for each regular class of customers which is imposed upon all customers ~~per each one hundred cubic feet~~ *based upon the amount* of water used, which shall include consolidated amounts for ÷

- ~~1. —~~ ~~O~~ *o*perations, ~~and~~ maintenance, ÷

- ~~2. C capital reserve, ÷ and~~
~~3. B bond repayment.~~

C. Satellite Systems. Any water system consisting of readily identifiable water source and/or treatment, distribution system, and appurtenances separate and distinct from the city's primary Mill Creek watershed/deep well supply, transmission/distribution system shall be charged fees computed on actual cost of that separate, satellite system.

1. Mill Creek Glen.
 - a. There shall be a monthly base charge to all consumers of the Mill Creek Glen system based upon meter size.
 - b. In addition to the monthly base charge to Mill Creek Glen system consumers, there shall be a consumption charge ~~per each one hundred cubic feet~~ ***based upon the amount*** of water used.

D. The rates set forth in subsections A and B of this section are modified, with respect to certain limited special contracts, by incorporating the rate terms set forth in Section 13.04.330.

E. The city reserves to itself the authority to classify customers and set rates. No customer may extend or provide its service or rates to another customer.

Section 19: Section 13.04.350 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.04.350 Service – Billing discounts for certain low income citizens.

A. A ***need-based*** program ~~for providing~~ discounts to the billings for water utility services for certain ~~low-income-eligible~~ citizens is established ~~in order~~ to provide necessary support for the poor.

B. The program provided for in subsection A of this section shall be implemented as provided in Chapter 2.102.

Section 20: Section 13.04.600 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.04.600 Meters – Monthly readings and account keeping required.

Each month the meters will be read to ~~the last one hundred cubic feet registered~~ ***determine the amount of water used,*** and the customer will be billed monthly on that basis. The city will keep an accurate account on its books of the readings of meters, and such accounts so kept shall be offered at all times, places and courts as prima facie evidence of the use of water or

sewer service by the customer.

Section 21: Section 13.30.030 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.030 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BMP – Best Management Practice

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

Department, Ecology and/or DOE – Washington State Department of Ecology

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

HWP – Hazardous Waste Pharmaceutical

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

NSCIU – Nonsignificant Categorical Industrial User

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIU – Significant Industrial User

TSS – Total Suspended Solids

U.S.C. – United States Code

Section 22: Section 13.30.070 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.070 State pretreatment standards.

Washington State pretreatment standards and requirements, located at Chapter 173-216 WAC, were developed under authority of the Water Pollution Control Act, Chapter 90.48 RCW and are hereby incorporated. The version incorporated is the version current as of the date of the latest revision or version of this chapter. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. In addition to some slightly more stringent prohibitions (merged with Section 13.30.050), the following provisions unique to Washington State are required by this chapter for discharges to a POTW:

- A. Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. ~~Until the city of Walla Walla is delegated the authority to review and approve such plans under RCW 90.48.110, users who are sources of nondomestic discharges shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided to the public works director/designee before commencing any such construction or modification.~~
- B. Users shall apply to the public works director/designee for a permit at least sixty days prior to the intended discharge of any pollutants other than domestic wastewater or wastewater which the public works director/designee has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW (WAC 173-216-050(1)).
- C. All significant industrial users must apply for and obtain a permit prior to discharge.
- D. All users shall apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state (AKART) (WAC 173-216-050(3)).
- E. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all users. (Prohibited discharge standards have been merged with federal prohibitions in Section 13.30.050.)
- F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data.

Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42.17 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.

G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the city. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:

1. The name and address of the applicant and facility/activity to be permitted.
2. A brief description of the activities or operations which result in the discharge.
3. Whether any tentative determination which has been reached with respect to allowing the discharge.
4. The address and phone number of the office of the public works director/designee where persons can obtain additional information.
5. The dates of the comment period (which shall be at least thirty days).
6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

H. The public works director/designee may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the public works director/designee determined there is sufficient public interest the city shall hold a public meeting following the rules of WAC 173-216-100. The public works director/designee may assume responsibility for public notice requirements for any person.

I. Permit terms shall include, wherever applicable, the requirement to apply all known, available, and reasonable methods of prevention, control, and treatment.

J. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

Section 23: Section 13.30.080 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.080 Local limits.

A. The public works director/designee may establish local limits pursuant to 40 CFR 403.5(c).

~~B. The following pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater in excess of the following daily maximum limits if the total mass discharged would exceed that contained in one thousand gallons at the below limit (see column to the right of each pollutant concentration limit).~~

C.——The below limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The public works director/designee may impose mass limits in addition to concentration based limits.

~~D.——Users discharging BOD or TSS in excess of the concentration limits by more than the threshold amount must apply for a permit. For example, a user discharging two thousand gallons per day of BOD at four hundred fifty mg/L. The surchargeable concentration would be four hundred fifty minus three hundred, or one hundred fifty, mg/L, which when multiplied by two thousand gpd (and 8.34 lb/g) yields 2.5 lb/d. Such users shall be subject to surcharges as established by the public works director/designee under the authority of this chapter up to the “ceiling” loading limit established by permit.~~

~~E C. Users shall be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the below “daily maximum” concentrations for any pollutant for which a composite sample is required in a permit. This provision is inapplicable to users without permits, or without the permit requirement to collect a composite sample for the analyte in question. The following pollutant limits are established to protect against pass through and interference.~~

D. The following pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

Pollutant Concentration ***Limits***

TOXIC METALS

[0.073] mg/L arsenic (T)

[0.017] mg/L cadmium (T)

[5.00] mg/L chromium (T)

[0.67] mg/L copper (T)

[0.33] mg/L cyanide (T)

[0.199] mg/L lead (T)

[0.005] mg/L mercury (T)

[0.137] mg/L molybdenum (T)

[0.549] mg/L nickel (T)

[0.077] mg/L selenium (T)

[0.074] mg/L silver (T)

[1.552] mg/L zinc (T)

[5876] pg/L total PCBs (~~limits for PCBs become effective Jan. 1, 2016~~)

CONVENTIONAL SURCHARGE POLLUTANTS

250 mg/L BOD5

250 mg/L total suspended solids

FATS, OILS AND GREASE

100 mg/L total FOG

pH

5.5 – 9.5 SU

TEMPERATURE

104°F at POTW

150°F at SIU

FLAMMABILITY

9 minutes per day at 5% LEL, and no reading of 10% LEL allowed

PROTECTION AGAINST CORROSION, PASS THROUGH, AND INTERFERENCE

25 mg/L petroleum based on FOG

F. The public works director/designee shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed under this section. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.

G. The public works director/designee may establish and require best management practices for any category of user or type of industrial process which creates a nondomestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of this section. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

Section 24: Section 13.30.100 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.100 Special agreement.

A. The city may enter into agreements with users to accept pollutants compatible with the treatment system at concentrations greater than those typical of domestic wastewater. Users with BOD or TSS levels higher than ~~two~~ **three** hundred ~~fifty~~ mg/l must have such an agreement before commencing discharge. Within such agreements, the city may establish terms of the user's discharge to the POTW including maximum flow rates, and concentrations. The city may also establish fees to recover costs associated with treating such wastes and monitoring schedules in such agreements. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards.

B. Users discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the public works director/designee, that such pollutants are compatible with the POTW. The public works director/designee may require any claim of compatibility to be endorsed by **DOE** ~~the department~~.

C. The city may assist, by arrangement or formal agreement, any agencies that regulate hazardous wastes and materials, and air emissions from users in order to maximize state, county, and city resources.

D. The city may specifically arrange to act as an agent of **DOE** ~~the department~~ to determine compliance with treatment or disposal requirements and inspect on-site disposal activities and shipping documents.

E. The city may facilitate compliance by arranging or providing pollution prevention technical assistance for users, especially those in violation of pretreatment standards. The public

works director/designee intends to provide such assistance in coordination and cooperation with the appropriate local, county, and state authority(ies).

Section 25: Section 13.30.130 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.130 Deadline for compliance with applicable pretreatment requirements.

A. Existing sources (as defined herein) to which one or more categorical pretreatment standard is applicable shall comply with all applicable standards within three years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. The ~~department~~ **city** shall establish a final compliance deadline date for any existing user (as defined herein) or any categorical user when the local limits for said user are more restrictive than EPA's categorical pretreatment standards.

B. New sources and new users as defined herein shall comply with applicable pretreatment standards within the shortest feasible time. In no case shall such time exceed ninety days from beginning a discharge. Prior to commencing discharge, such users shall have all pollution control equipment required to meet applicable pretreatment standards installed and in proper operation.

Section 26: Section 13.30.160 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.160 Septage and hauled wastewater.

A. Residential wastes meeting the definition of "septage" may be introduced into the POTW at locations designated by the public works director/designee, and at such times as are established by the public works director/designee. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (Article II of this chapter) and other applicable requirements of the city. The public works director/designee may require septic tank waste haulers to obtain wastewater discharge permits or provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence.

B. The public works director/designee may require the hauler, and may also require the generator, of nondomestic waste to obtain a wastewater discharge permit. The public works director/designee also may prohibit the disposal of any or all hauled industrial waste. The discharge of hauled industrial waste is subject to all relevant requirements of this chapter.

C. Industrial waste haulers may discharge loads only at locations designated by the public works director/designee and with the prior consent of the public works director/designee. The public works director/designee may collect samples of each hauled load to ensure compliance with applicable standards, and halt the discharge at any point in order to take additional samples

or hold the load pending analysis. The public works director/designee may require the industrial waste hauler to provide a waste analysis of any load prior to discharge, to characterize the waste, or to certify that the waste does not meet the definition of a “hazardous waste” under Chapter 173-303 WAC.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at least:

1. The name and address of the industrial waste hauler;
2. Truck and driver identification;
3. The names and addresses of the sources of waste;
4. For each pickup, the type of industry, volume, brief description, known characteristics and presumed constituents of waste; and
5. Any wastes which are “hazardous wastes” under RCRA.

E. Required Conditions. Violation of any of the following by a waste hauler shall be grounds for revocation of a permit, if permitted, and for the recovery of costs incurred by the city as a result:

1. The discharge of any sewage or sludge into any sewer system within the jurisdiction of the city other than at a dumping facility specifically designated by the public works director/designee for such purpose;

2. The dumping or discharge, or the attempted dumping or discharge, of any sewage or sludge of the following character: caustic, acid, oil tank bottom contents, grease or oil trap sludges, plating or metal finishing waste, digested sewage sludge, animal manure, food processing wastes, including skins, shells, seeds, blood, hair, bones, grease, or feathers, industrial sumps, or holding tanks for other domestic wastes;

3. The dumping or discharge of any sludge or sewage which is known to the permittee, or to his/her employer or agent, to contain waste other than domestic septic tank sludge, whether or not such material is described in subsection (E)(2) of this section;

4. The failure to accurately certify the source of the load of sewage or sludge prior to dumping, in the form required by the wastewater superintendent;

5. The failure to pay all charges for dumping septage within thirty days after the end of the calendar month during which such septage was dumped;

6. The failure to clean the immediate area of the dumping facility after dumping so as to leave the area in a clean and sanitary condition; or

7. The failure to conform with the load-handling procedures established by the operator in charge of the plant, approved by the public works director and posted at the plant.

Section 27: Section 13.30.240 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.240 Wastewater discharge permit decisions.

A. After receipt of a complete wastewater discharge permit application, the public works director/designee will determine whether or not to issue a wastewater discharge permit. The public works director/designee may deny any application for a wastewater discharge permit or require additional safeguards, reports (including plans under Chapter 173-240 WAC), or information. For users not meeting the criteria of significant industrial users, the public works director/designee may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.

B. Anyone aggrieved by a determination made by the public works director or designee may appeal that determination by filing a written notice of appeal with the City Clerk by no later than fourteen (14) calendar days after the determination is made which fully states the grounds for the appeal. The city manager or his or her designee shall decide such appeal.

Section 28: Section 13.30.390 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.390 Reports of potential problems.

A. Any user which has any unusual discharge that could cause problems to the POTW must immediately notify the public works director/designee by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a nonroutine, episodic nature. Problems to the POTW which require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of Article II of this chapter such as vapor toxicity and explosivity limits.

B. Within five days following such discharge, the user shall, unless waived by the public works director/***designee***, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

C. Regardless of whether the user has been required to submit a slug discharge control plan (per Section 13.30.150), all users shall post notice in a prominent location advising employees who to call at the POTW to inform the public works director/designee of a potential problem discharge (subsection A of this section). Users shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.

D. All users must immediately notify the public works director/designee of any changes at their facility which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Users required to prepare a slug discharge control plan under Section 13.30.150 shall also modify their plans to include the new conditions prior to, or immediately after, making such changes.

Section 29: Section 13.30.508 is added to Walla Walla Municipal Code as follows:

13.30.508 Non-exclusive Remedies.

Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan regardless of whether a user operates under a discharge permit. However, the public works director/designee may take other action against any user when the circumstances warrant.

Section 30: Section 13.30.560 of the Walla Walla Municipal Code is amended to read as follows (added terms are bolded and italicized; and removed terms are stricken):

13.30.560 Administrative fines.

A. When the public works director/designee finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the public works director/designee may fine such user in an amount not to exceed ~~ten~~ ***five*** thousand dollars ***for each violation. A continuing violation shall be considered a separate violation for each day that the violation continues.*** Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. The public works director/designee may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the public works director/designee's response to the situation to the amount of the fine.

C. The public works director/designee will consider the economic benefit enjoyed by a user as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the public works director/designee shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the user from the noncompliance.

D. Unpaid charges, fines, and penalties shall, at thirty calendar days past the due date, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue

thereafter at a rate of one percent per month. After thirty days the city shall be authorized to file a lien against the user's property for unpaid charges, fines, and penalties.

E. Users desiring to dispute such fines must file a written request for the public works director/designee to reconsider the fine along with full payment of the fine amount within fifteen working days of being notified of the fine. Where a request has merit, the public works director/designee may convene a hearing on the matter. In the event the user's appeal is successful, the public works director/designee shall rebate the difference between the initial and final penalty amounts to the user.

F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 31: Section 13.30.585 is added to Walla Walla Municipal Code as follows:

13.30.585 Appeal of Administrative Enforcement Actions

Anyone aggrieved by action taken the public works director or designee under sections 13.30.510, 13.30.530, 13.30.540, 13.30.550, 13.30.560, 13.30.570, or 13.30.580 may appeal that action by filing a written notice of appeal with the City Clerk by no later than fourteen (14) calendar days after notice of the action is issued. Such written notice of appeal must fully state the grounds for the appeal. The city manager or his or her designee shall decide such appeal.

Section 32: The Walla Walla City Council finds that it is reasonable to base sewer consumption charges on water usage, because sewer usage is reasonably related to water usage, and there is a correlation between increased water usage and increased sewer usage. The Walla Walla City Council further finds that it is reasonable to rely upon on water usage to calculate sewer consumption charges, because water usage may be readily measured at each usage location while it is impractical to measure actual sewage discharge at each location.

Section 33: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto. The City Clerk and the codifiers of this ordinance are also authorized and directed to make changes to chapter indexes necessitated by repeal of sections, code additions, and changes to section titles and captions made herein.

Section 34: The City Clerk is authorized to make clerical corrections to capitalization, spelling, and punctuation to the provisions in chapters 13.03, 13.04, and 13.30 of the Walla Walla Municipal Code; provided that such corrections do not change the intent of such provisions.

Section 35: This ordinance shall take effect and be in full force on January 1, 2022.

Section 36: If any portion or part hereof shall be determined to be invalid or unenforceable, it shall be deemed severable from the remainder hereof.

Section 37: The Walla Walla City Clerk is authorized to publish a summary of this ordinance in such form approved by the City Attorney.

PASSED by a majority of the whole membership of the City Council of the City of Walla Walla, Washington, on December 1, 2021.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

SUMMARY OF ORDINANCE 2021-

AN ORDINANCE AMENDING SECTIONS, ADDING SECTIONS, AND REPEALING SECTIONS OF THE WALLA WALLA MUNICIPAL CODE PERTAINING TO CITY UTILITIES AND VARIOUS UTILITY RATES

The Walla Walla City Council passed an ordinance at its December 1, 2021 regular meeting which in summary amends chapters 13.03, 13.04, and 13.30 of the Walla Walla Municipal Code as follows:

[INSERT SUMMARY]

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form:

City Attorney